

JAN. 18. 2005 2:44PM

(3) FISH & RICHARDSON 6175428906

NO. 6506 P. 8/8

Attorney's Docket No.: 08935-245001 / M-4962

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James J. Cervera et al.  
Serial No. : 09/902,884  
Filed : July 11, 2001  
Title : BATTERY

Art Unit : 1746  
Examiner : Jonathan Crepeau

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

In response to the Examiner's reasons for allowance of claims 1, 4-9, and 28-38 in the Office Action mailed September 23, 2004, Applicants do not concede that the reasons for allowance given by the Examiner are the only reasons for which the claims are allowable. The claims are also allowable for other and independent reasons, including the reasons set forth in Applicants' prior communications. Applicants also do not necessarily agree with the Examiner's characterization of the cited references.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: January 18, 2005

Tu N. Nguyen  
Tu N. Nguyen  
Reg. No. 42,934

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

20996455.doc

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

January 18, 2005  
Date of Transmission  
Signature Diane C. Brown 01/18/2005 CRUEEN 00000006 061050 09902884  
Diane C. Brown  
Typed or Printed Name of Person Signing Certificate